

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**DAVID E. MACK,**

**Plaintiff,**

**v.**

**EQUABLE ASCENT FINANCIAL, LLC**

**Defendant.**

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**CASE NO. 4:11-cv-793**

**ORDER ON MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM  
ON WHICH RELIEF MAY BE GRANTED**

On this date, the Court considered the Motion to Dismiss for Failure to State a Claim on Which Relief May be Granted filed by the Defendant, Equable Ascent Financial, LLC. The Court is of the opinion that the referenced motion should be granted.

IT IS THEREFORE ORDERED that this cause of action is dismissed with prejudice.